

facilities (and incidental goods) are furnished on a comparable basis to the general public.

Part IV—Definitions

For the purposes of this exemption:

(a) The term “in-house asset manager” or “INHAM” means an organization which is—

(1) either (A) a direct or indirect wholly-owned subsidiary of an employer, or a direct or indirect wholly-owned subsidiary of a parent organization of such an employer, or (B) a membership nonprofit corporation a majority of whose members are officers or directors of such an employer or parent organization; and

(2) an investment adviser registered under the Investment Advisers Act of 1940 that, as of the last day of its most recent fiscal year, has under its management and control total assets attributable to plans maintained by affiliates of the INHAM (as defined in section IV(b)) in excess of \$50 million;

Provided that plans maintained by such affiliates of the INHAM have, as of the last day of each plan's reporting year, aggregate assets of at least \$250 million.

(b) For purposes of section IV(a), an “affiliate” of an INHAM means a member of either (1) a controlled group of corporations (as defined in section 414(b) of the Code) of which the INHAM is a member, or (2) a group of trades or businesses under common control (as defined in section 414(c) of the Code) of which the INHAM is a member; provided that “50 percent” shall be substituted for “80 percent” wherever “80 percent” appears in section 414(b) or 414(c) or the rules thereunder.

(c) The term “party in interest” means a person described in Act section 3(14) and includes a “disqualified person” as defined in Code section 4975(e)(2).

(d) An INHAM is “related” to a party in interest for purposes of section I(f) of this exemption if the party in interest (or a person controlling, or controlled by, the party in interest) owns a five percent or more interest in the INHAM or if the INHAM (or a person controlling, or controlled by, the INHAM) owns a five percent or more interest in the party in interest. For purposes of this definition:

(1) The term “interest” means with respect to ownership of an entity—

A) The combined voting power of all classes of stock entitled to vote or the total value of the shares of all classes of stock of the entity if the entity is a corporation.

(B) The capital interest or the profits interest of the entity if the entity is a partnership, or

(C) The beneficial interest of the entity if the entity is a trust or unincorporated enterprise; and

(2) A person is considered to own an interest held in any capacity if the person has or shares the authority—

(A) To exercise any voting rights or to direct some other person to exercise the voting rights relating to such interest, or

(B) To dispose or to direct the disposition of such interest.

(e) For purposes of this exemption, the time as of which any transaction occurs is the date upon which the transaction is entered into. In addition, in the case of a transaction that is continuing, the transaction shall be deemed to occur until it is terminated. If any transaction is entered into on or after [date of publication of final class exemption], or any renewal that requires the consent of the INHAM occurs on or after [date of publication of final class exemption], and the requirements of this exemption are satisfied at the time the transaction is entered into or renewed, respectively, the requirements will continue to be satisfied thereafter with respect to the transaction. Nothing in this paragraph shall be construed as exempting a transaction entered into by a plan which becomes a transaction described in section 406 of the Act or section 4975 of the Code while the transaction is continuing, unless the conditions of the exemption were met either at the time the transaction was entered into or at the time the transaction would have become prohibited but for this exemption.

(f) Fiduciary Audit. A “fiduciary audit” of a plan must include, among other things, the following:

(1) A determination as to whether the plan has developed adequate policies and procedures designed to assure compliance with the proposed exemption;

(2) A test of a representative sample of the plan's transactions to determine operational compliance with the written policies and procedures;

(3) A determination as to whether the INHAM has satisfied the definition of an INHAM under the proposal; and

(4) A written report describing the steps performed by the auditor during the course of its review and the auditor's findings and recommendations.

Signed at Washington, DC, this 20th day of March, 1995.

Alan D. Lebowitz,

Deputy Assistant Secretary for Program Operations, Pension and Welfare Benefits Administration, Department of Labor.

[FR Doc. 95-7364 Filed 3-23-95; 8:45 am]

BILLING CODE 4510-29-P

Employment Standards Administration

Wage and Hour Division; Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

General wage determination decisions of the Secretary of Labor are issued in accordance with applicable law and are based on the information obtained by the Department of Labor from its study of local wage conditions and data made available from other sources. They specify the basic hourly wage rates and fringe benefits which are determined to be prevailing for the described classes of laborers and mechanics employed on construction projects of a similar character and in the localities specified therein.

The determinations in these decisions of prevailing rates and fringe benefits have been made in accordance with 29 CFR part 1, by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR part 1, Appendix, as well as such additional statutes as may from time to time be enacted containing provisions for the payment of wages determined to be prevailing by the Secretary of Labor in accordance with the Davis-Bacon Act. The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public comment procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in the effective date as prescribed in that section, because the necessity to issue current construction industry wage determinations frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determination decisions, and modifications and supersedeas decisions thereto, contain no expiration dates and are effective from their date of notice in the **Federal Register**, or on the date written notice is received by the agency, whichever is earlier. These decisions are to be used in accordance with the provisions of 29 CFR parts 1 and 5. Accordingly, the applicable decision, together with any

modifications issued, must be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR part 5. The wage rates and fringe benefits, notice of which is published herein, and which are contained in the Government Printing Office (GPO) document entitled "General Wage Determinations Issued Under The Davis-Bacon And Related Acts," shall be the minimum paid by contractors and subcontractors to laborers and mechanics.

Any person, organization, or governmental agency having an interest in the rates determined as prevailing is encouraged to submit wage rate and fringe benefit information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department Labor, Employment Standards Administration, Wage and Hour Division of Wage Determinations, 200 Constitution Avenue, NW., Room S-3014, Washington, DC 20210.

New General Wage Determination Decisions

The number of the decisions added to the Government Printing Office document entitled "General Wage Determinations Issued Under the Davis-Bacon and Related Acts" are listed by Volume and State:

Volume V

Oklahoma
OK950037 (Mar. 24, 1995)

Modification to General Wage Determination Decisions

The number of decisions listed in the Government Printing Office document entitled "General Wage Determinations Issued Under the Davis-Bacon and Related Acts" being modified are listed by Volume and State. Dates of publication in the **Federal Register** are in parentheses following the decisions being modified.

Volume I

New Jersey
NJ950003 (Feb. 10, 1995)
NJ950004 (Feb. 10, 1995)
Massachusetts
MA950007 (Feb. 10, 1995)
Rhode Island
RI950002 (Feb. 10, 1995)

Volume II

None

Volume III

Florida
FL950002 (Feb. 10, 1995)

FL950014 (Feb. 10, 1995)
FL950017 (Feb. 10, 1995)
FL950069 (Feb. 10, 1995)
Georgia
GA950050 (Feb. 10, 1995)

Volume IV

Illinois
IL950001 (Feb. 10, 1995)
IL950002 (Feb. 10, 1995)
IL950015 (Feb. 10, 1995)
Michigan
MI950001 (Feb. 10, 1995)
MI950002 (Feb. 10, 1995)
MI950003 (Feb. 10, 1995)
MI950004 (Feb. 10, 1995)
MI950005 (Feb. 10, 1995)
MI950007 (Feb. 10, 1995)
MI950012 (Feb. 10, 1995)
MI950017 (Feb. 10, 1995)
MI950031 (Feb. 10, 1995)
MI950046 (Feb. 10, 1995)
MI950047 (Feb. 10, 1995)

Volume V

Kansas
KS950011 (Feb. 10, 1995)
KS950012 (Feb. 10, 1995)
KS950013 (Feb. 10, 1995)
KS950015 (Feb. 10, 1995)
KS950018 (Feb. 10, 1995)
KS950019 (Feb. 10, 1995)
KS950020 (Feb. 10, 1995)
KS950021 (Feb. 10, 1995)
KS950022 (Feb. 10, 1995)
KS950023 (Feb. 10, 1995)
KS950028 (Feb. 10, 1995)

Oklahoma
OK950013 (Feb. 10, 1995)
Texas
TX950034 (Feb. 10, 1995)
TX950063 (Feb. 10, 1995)

Volume VI

Alaska
AK950001 (Feb. 10, 1995)
Nevada
NV950002 (Feb. 10, 1995)

General Wage Determination Publication

General wage determinations issued under the Davis-Bacon and Related Acts, including those noted above, may be found in the Government Printing Office (GPO) document entitled "General Wage Determinations Issued Under The Davis-Bacon and Related Acts". This publication is available at each of the 50 Regional Government Depository Libraries and many of the 1,400 Government Depository Libraries across the country.

The general wage determinations issued under the Davis-Bacon and Related Acts are available electronically by subscription to the FedWorld Bulletin Board System of the National Technical Information Service (MTIS) of the U.S. Department of Commerce at (703) 487-4630.

Hard-copy subscriptions may be purchased from: Superintendent of Documents, U.S. Government Printing

Office, Washington, D.C. 20402, (202) 512-1800.

When ordering hard-copy subscription(s), be sure to specify the State(s) of interest, since subscriptions may be ordered for any or all of the six separate volumes, arranged by State. Subscriptions include an annual edition (issued in January or February) which includes all current general wage determinations for the States covered by each volume. Throughout the remainder of the year, regular weekly updates will be distributed to subscribers.

Signed at Washington, D.C. this 17th day of March 1995.

Alan L. Moss,

Director, Division of Wage Determinations.

[FR Doc. 95-7080 Filed 3-23-95; 8:45 am]

BILLING CODE 4510-27-M

LIBRARY OF CONGRESS

Copyright Office

[Docket No. 95-3]

Registrability of Pictorial, Graphic, or Sculptural Works Where a Design Patent Has Been Issued

AGENCY: Copyright Office, Library of Congress.

ACTION: Policy decision and amendment of regulations.

SUMMARY: The Copyright Office of the Library of Congress issues this policy decision to clarify its practices and to amend the regulations regarding the registrability of claims to copyright in pictorial, graphic, and sculptural works for which a design patent has been issued. Under the current regulations, a copyright claim in a patented design, or in a scientific or technical drawing in an application of an issued patent is refused registration under the so-called "election doctrine." We believe there is no longer any legal justification for the continuation of this practice.

EFFECTIVE DATE: April 24, 1995.

FOR FURTHER INFORMATION CONTACT:

Marilyn J. Kretsinger, Acting General Counsel, Copyright GC/I&R, P.O. Box 70400, Southwest Station, Washington, D.C. 20024. Telephone: (202) 707-8380. Telefax: (202) 707-8366.

SUPPLEMENTARY INFORMATION: Under the current Copyright Act, copyright is secured at the time of creation of the work without the necessity of any formalities, such as registration of an eligible unpublished work or publication with copyright notice, required under the 1909 Act. A patent, on the other hand, must be pursued through the process of examination in